

1 MCGREGOR W. SCOTT  
United States Attorney  
2 TANYA B. SYED  
Assistant United States Attorney  
3 501 I Street, Suite 10-100  
Sacramento, CA 95814  
4 Telephone: (916) 554-2700

5 Attorneys for Plaintiff  
6 United States of America

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11  
12 Plaintiff,  
13 v.  
14 REGINALD THOMAS,  
15 Defendant.

CASE NO. 2:20-CR-012-MCE  
CASE NO. 2:11-CR-216-MCE

STIPULATION REGARDING USE OF  
VIDEOCONFERENCING DURING STATUS OF  
COUNSEL HEARING; FINDINGS AND ORDER

DATE: September 24, 2020  
TIME: 10:00 a.m.  
COURT: Hon. Morrison C. England, Jr.

16  
17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. This matter is set for a status of counsel hearing on September 24, 2020.
- 21 2. The Governor of the State of California declared a Proclamation of a State of Emergency  
22 to exist in California on March 4, 2020.
- 23 3. On March 13, 2020, the President of the United States issued a proclamation declaring a  
24 National Emergency in response to the COVID-19 pandemic.
- 25 4. In their continuing guidance, the Centers for Disease Control and Prevention (CDC) and  
26 other public health authorities have suggested the public avoid social gatherings in groups of more than  
27 10 people and practice physical distancing (within about six feet) between individuals to potentially  
28 slow the spread of COVID-19. The virus is thought to spread mainly from person-to-person contact,  
and no vaccine currently exists.

1           5.       These social distancing guidelines – which are essential to combatting the virus – are  
2 generally not compatible with holding in-person court hearings.

3           6.       On March 17, 2020, this Court issued General Order 611, noting the President and  
4 Governor of California’s emergency declarations and CDC guidance, and indicating that public health  
5 authorities within the Eastern District had taken measures to limit the size of gatherings and practice  
6 social distancing. The Order suspended all jury trials in the Eastern District of California scheduled to  
7 commence before May 1, 2020.

8           7.       On March 18, 2020, General Order 612 was issued. The Order closed each of the  
9 courthouses in the Eastern District of California to the public. It further authorized assigned district  
10 court judges to continue criminal matters after May 1, 2020 and excluded time under the Speedy Trial  
11 Act. General Order 612 incorporated General Order 611’s findings regarding the health dangers posed  
12 by the pandemic.

13           8.       On April 16, 2020, the Judicial Council of the Ninth Circuit declared a judicial  
14 emergency in this District pursuant to 18 U.S.C. § 3174(d), based on the District’s “critically low  
15 resources across its heavy caseload.” The report accompanying the Judicial Council’s declaration  
16 analyzed the public safety dangers associated with the COVID-19 pandemic and examined both the  
17 District’s caseload (the District currently ranks first in the Ninth Circuit and eighth nationally in  
18 weighted filings) and its shortage of judicial resources. The report further explained that a backlog of  
19 cases exists that “can only start to be alleviated” when the CDC lifts its guidance regarding gatherings of  
20 individuals.

21           9.       On April 17, 2020, General Order 617 was issued, continuing court closures through June  
22 1, 2020 and authorizing further continuances of hearings and exclusions under the Speedy Trial Act.

23           10.      On May 13, 2020, General Order 618 was issued, continuing court closures until further  
24 notice and authorizing further continuances of hearings and exclusions under the Speedy Trial Act.

25           11.      On June 29, 2020, General Order 620 was issued, authorizing the continued use of  
26 videoconference for certain hearings.

27           12.      Given these facts, it is essential that Judges in this District resolve as many matters as  
28 possible via videoconference and teleconference during the COVID-19 pandemic. By holding these

1 hearings now, this District will be in a better position to work through the backlog of criminal and civil  
2 matters once in-person hearings resume.

3 13. The defendant has an interest in this status of counsel hearing. Were this Court to delay  
4 the status of counsel hearing until a time when the proceeding may be held in person, the defendant's  
5 interest in furthering his case would be delayed.

6 14. Given the public health restrictions on physical contact and court closures existing in the  
7 Eastern District of California, conducting a status of counsel hearing by videoconference is the only  
8 option at this time

9 15. The defendant has consulted with his counsel regarding the use of videoconference for  
10 this hearing. The defendant waives his physical presence at the hearing and consents to remote hearing  
11 by videoconference and counsel joins in that waiver.

12 IT IS SO STIPULATED.

13  
14 Dated: September 21, 2020

15 MCGREGOR W. SCOTT  
United States Attorney

16  
17 /s/ TANYA B. SYED  
TANYA B. SYED  
Assistant United States Attorney

18  
19 Dated: September 21, 2020

20 /s/ OLAF HEDBERG  
OLAF HEDBERG  
Counsel for Defendant  
REGINALD THOMAS

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**FINDINGS AND ORDER**

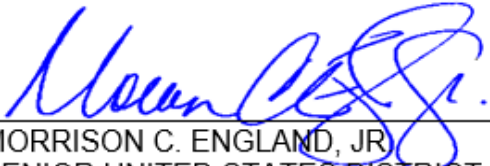
1. The Court adopts the findings above.

2. Further, the Court specifically finds that the defendant has waived his physical presence at the hearing and consents to remote hearing by videoconference.

3. Therefore, based on the findings above, and under the Court's authority, the status of counsel hearing in this case will be conducted by videoconference.

IT IS SO ORDERED.

Dated: September 22, 2020

  
MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE